

No. 4242-4Lab-77/12683.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s N. K. Metal Wire Factory, Yamunanagar Road, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 47 of 1976

between

SHRI FAQIR CHAND, WORKMAN AND THE MANAGEMENT OF M/S N.K.
METAL WIRE FACTORY, YAMUNANAGAR ROAD, JAGADHRI

AWARD

By order No. ID/AMB/489-A-76/21285, dated 21st June, 1976, the Governor of Haryana, referred the following dispute between the management of M/s N. K. Metal Wire Factory, Yamunanagar Road, Jagadhri and its workman Shri Faqir Chand to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 19 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Faqir Chand was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues :—

- (1) Whether the applicant abandoned his job voluntarily by absenting himself from duty with effect from 8th February, 1975?
- (2) If yes, as per reference.

The case was fixed for recording the evidence of the management, for 25th April, 1977, when Shri Surinder Kumar authorised representative for the workman, made a statement that the demand of the workman raised by him on the management had been satisfied by way of a mutual amicable settlement arrived at between the parties.

It would thus appear from the statement of Shri Surinder Kumar that there is now no dispute between the parties requiring adjudication and the demand of the workman has been fully satisfied. I accordingly answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated 25th April, 1977.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

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No. 852, dated 29th April, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4184-4Lab-77/12685.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Om Weaving Factory, Sonepat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 41 of 1974

between

SHRI JAI KANWAR, WORKMAN AND THE MANAGEMENT OF M/S OM WEAVING
FACTORY, SONEPAT

AWARD

By order No. ID/RK/184-F/74/18025, dated 29th June, 1974, the Governor of Haryana referred the following dispute between the management of M/s Om Weaving Factory, Sonepat, and its workman Shri Jai Kanwar to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jai Kanwar was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of references sent to them and filed their pleadings.

Whereas the workman alleged,—*vide* notice of demand, dated 8th August, 1974, served by him on the management that his services had been terminated with effect from 3rd October, 1973, he specifically took an inconsistent plea in the rejoinder filed by him, that he had been removed from work by the management earlier than 1st October, 1973 and on the intervention of Labour Inspector on 1st October, 1973, the management agreed to take him back on duty and on his reporting to them for assignment of duty on 3rd October, 1973, they declined to take him on duty. This discrepancy in the pleas of the workman is significant and it is obvious that in case of acceptance of his plea taken by him in the rejoinder that the management declined to take him on duty on his reporting to them for that purpose on 3rd October, 1973, in accordance with the agreement earlier made by them this is obviously not a case of termination of his services by the management and his only remedy under the circumstances would be to get the agreement legally implemented. In view of the broad admission thus made by the workman in the rejoinder as also in his statement made by him as his own witness that the management declined to take him on duty on 3rd October, 1973 on his reporting to them for that purpose, in accordance with the agreement, this reference is unmaintainable and the demand raised by the workman leading to this reference is liable to be rejected on this short ground.

The management pleaded,—*vide* written statement filed by them that Shri Jai Kanwar began absenting himself from duty with effect from 10th September, 1973 and on their writing letter to him to join his duties, he admitted his fault before the Labour Inspector and agreed to join duties. He failed to resume his work even after that undertaking with the result that they waited for him for a long time and on his failure to come back they struck off his name off their rolls considering that he was not interested in their service. They specifically gave out that the workman had joined another concern after he had absented himself from duty and he was not interested in resuming work in their factory and the demand raised by him leading to this reference was false and fabricated. They took a preliminary objection that the reference was bad in law for want of service of notice of demand on them directly and its rejection by them, before the workman took up the same with the Conciliation Officer.

The following issues were thus framed by Shri O.P. Sharma my learned predecessor,—*vide* his order, dated 8th November, 1974 :—

Issues

- (1) Whether the demand the subject-matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ?
- (2) Whether the termination of services of Shri Jai Kanwar was justified and in order ? If not, to what relief is he entitled ?

I have heard learned authorised representatives for the parties with reference to the evidence led by them. I decided issue No. 1 in favour of the workman,—*vide* my order, dated 5th November, 1975, with a finding that it was no longer necessary in law for the workman to raise a demand directly on the management and for the latter to reject it, before the workman approached the Conciliation Officer for redress of his grievances, in order to constitute an Industrial dispute. I now propose to decide issue No. 2 as under :—

The workman concerned specifically took a stand,—*vide* his statement, dated 10th January, 1977, made by him as his own witness that on his making an application to the Labour Officer against the management

in respect of illegal termination of his services by them in the year 1971, the latter agreed to take him on duty and that they subsequently declined to do so on his reporting to them for that purpose at the gate. He suggested that the gate-man on duty did not permit him to go inside the factory.

It would, however, be interesting to note that the aforesaid story put forth by the workman was found rebutted by the statement of one Shri Roop Kishore Parikh, Office Superintendent of M/s Gori Weaving Factory, Sonepat, another concern made by him with reference to the records of his factory brought by him in Court, that the workman concerned Shri Jai Kanwar was in their service during the period from 18th September, 1973 to 30th November, 1973 and he had made an application Ex. M-1 for his employment with them and was paid his wages for the months of September, October and November, 1973,—vide vouchers Ex. M-2, M-3 and M-4 respectively which bore his signatures. He even brought on record a copy Ex. M-5 of the register of his concern showing the workman concerned to be in their employment till November, 1973. Nothing could be brought out in cross-examination to doubt his testimony so much so, not a single question was put to him in order to suggest that the statement made by him was false. I under the circumstances do not see any reason to disbelieve the statement of Shri Roop Kishore, which was duly corroborated by authentic documentary evidence. Particularly when there is not the least cogent and trustworthy rebuttal on record on behalf of the workman. The oral statement of Chhail Singh and the workman concerned that the gate-man did not permit the latter to enter the premises of the factory cannot be relied upon particularly when Chhail Singh admitted that he did not know the date and month of the workman concerned seeking his entry in the factory premises. Even otherwise the names of Chhail Singh and Lakhmi Chand witnesses examined by the workman concerned were not suggested at the earliest stage and considered from any angle the case put forth by the workman is proved to be false and fabricated to the hilt. The workman when confronted with his own documents and signatures on A.D. receipts went to the extent of denying his signatures even on the notice of demand admittedly served by him on the management. His testimony thus does not deserve any reliance.

I, therefore, while disbelieving the case put forth by the workman that he reported for assignment of duties to the management on 3rd October, 1977, fully rely on the statement of Shri P.N. Bhatia, Manager M/s Om Weaving Factory MW-2, that he continuously absented himself from duty from 10th September, 1973 to 9th October, 1973 without prior permission or sanction of leave and his name was struck off their rolls on 10th October, 1973, as a result of his long absence. I also rely on the statement of Shri Roop Kishore and the documents produced by him and hold that the workman was in service of M/s Gori Weaving Factory from 18th September, 1973 to 30th November, 1973.

It would thus appear that this is not a case of termination of services of the workman by the management but is on the other hand the case of abandonment of the job by the workman himself by way of his absenting himself from duty for a long period without permission or sanction of leave and he is not entitled to any relief.

I decide this issue accordingly and answer the reference while returning the award in these terms.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 853, dated 29th April, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 4257-4Lab-77/12687.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s N.K. Metal Wire Factory Yamunanagar Road, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 46 of 1976

between

SHRI RAMJI LAL, WORKMAN AND THE MANAGEMENT OF M/S N. K. METAL WIRE
FACTORY, YAMUNANAGAR ROAD, JAGADHRI

AWARD

By order No. ID/AMB/489-B-76/21279, dated 21st June, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. N. K. Metal Wire Factory, Yamunanagar Road, Jagadhari and its workman Shri Ramji Lal to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ramji Lal was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues :—

1. Whether the applicant abandoned his job voluntarily by absenting himself from duty with effect from 8th February, 1975?
2. Whether the workman received a sum of Rs. 500/- from the management on 17th April, 1976 in full and final settlement of all his claim including that of his reinstatement against them?
3. In case of non proof is issue Nos. 1 and 2 as per reference?

The case was fixed for recording the evidence of the management for 25th April, 1977, when Shri Surinder Kumar authorised representative for the workman made a statement that the demand of the workman raised by him on the management had been satisfied by way of a mutual amicable settlement arrived at between the parties.

It would thus appear from the statement of Shri Surinder Kumar that there is now no dispute between the parties requiring adjudication and the demand of the workman has been fully satisfied. I accordingly answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

—
No. 851, dated 29th April, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4548-4Lab-77/12689.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Kailash Textile Industries, Sohna Road, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 235 of 1976

between

SHRI CHHEDI LAL WORKMAN AND THE MANAGEMENT OF M/S KAILASH TEXTILE INDUSTRIES, SOHNA ROAD, BALLABGARH

Present:

Shri Roshan Lal for the workman,

Shri K. P. Aggarwal for the management.

AWARD

By order No. ID/FD/843-C-76/43339, dated the 23rd November, 1976, the Governor of Haryana referred the following dispute between the management of M/s Kailash Textile Industries, Sohna Road, Ballabgarh and its workman Shri Chhedi Lal to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Chhedi Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference, notices were issued to the parties. Both the parties appeared. The workman filed his statement of claim. The case was at the stage of filing written statement by the management. At this stage the parties settled their dispute. Their statement were recorded. The workman stated that if the management paid to him one month wages, his dispute shall be deemed to have been withdrawn and that shall be deemed as full and final settlement of all his claim. The management agreed to this. The management paid a sum of Rs 350 only to the workman although the management stated that his wage was Rs 220 P.M. only. The workman concerned received the aforesaid sum of Rs 350 only in full and final settlement of all his claim, and right of whatsoever kind. He withdrew from this reference and stated that he had no dispute with the management. I, therefore, give my award that there is no dispute between the parties.

Dated the 5th May, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 447, dated 6th May, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 6th May, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4369-4Lab.-77/12691.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s N.K. Screw Industries, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 73 of 1975

between

SHRI LAJPAT RAI WORKMAN AND THE MANAGEMENT OF M/S N.K. SCREW INDUSTRIES,
JAGADHRI.
AWARD

By order No. ID/RK/403-75/52779, dated 31st July, 1975, the Governor of Haryana referred the following dispute between the management of M/s N. K. Screw Industries, Jagadhri and its workman Shri Lajpat Rai for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Lajpat Rai was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them through registered post and filed their pleadings giving rise to the following issues framed *vide* my order dated 23rd March, 1976 :—

(1) Whether the reference is bad in law for the preliminary objections stated in the written statement?

(2) Whether the workman abandoned the job voluntarily of his own accord on 30th August, 1973 and thereafter on 7th January, 1975 ?

(3) If not, whether the termination of the services of Shri Lajpat Rai was justified and in order? If not, to what relief is he entitled ?

The management in order to prove their case on issue No. 2 examined Shri Kapoor Chand, one of their partner who dep osed that the workman concerned caused damage to their machine and abruptly left their premises on 7th January, 1975 after picking up a quarrel with him on his (Shri Kapoor Chand) asking his explanation for his demaging the machine. He added that he sent a registered letter, copy Exhibit M 1, to the workman concerned containing the charge-sheet framed against him and that the workman refused to receive it as appeared from the endorsement of the official concerned of the postal department on the envelope Exhibit M-4 and that he sent another letter to the workman through registered post and report was received that he was not available for its delivery to him and had left for an unknown place. He finally gave out that letter Exhibit M-6 was delivered to him and he failed to submit any explanation of any of these letters and the charges framed against him and did not return for attending his duties and that a sum of Rs 900 was yet out-standing against him.

Nothing could be brought in cross-examination of Shri Kapoor Chand to lead me to doubt his statement. The workman failed to put in his personal appearance after the management closed their case on 25th November, 1976 and Shri Surinder Kumar, his authorised representative, could not adduce any evidence in rebuttal despite opportunity given to him for that purpose time and again, so much so he could not even examine the workman himself with the result that the statement of Shri Kapoor Chand remained unrebutted.

I, thus for the reasons aforesaid fully rely on the evidence of Shri Kapoor Chand and hold that the workman abandoned his job voluntarily of his own accord by absenting himself from duty w.e.f. 7th January, 1975 and that this is not a case of termination of his services by the management and the reference made on the assumption that his services were terminated is bad in law and he is not entitled to any relief.

I, thus decide issues Nos. 1, 2 and 3 accordingly and answer the reference while returning the award in these terms.

Dated the 28th April, 1977.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 877, dated 4th May, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4288-4Lab.77/12693.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Dalmia Dadri Cement Limited, Charkhi Dadri.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 83 of 1976

between

THE WORKMEN AND THE MANAGEMENT OF M/S DALMIA DADRI
CEMENT LIMITED, CHARKHI DADRI

Present.—Shri Bhim Sain, for the workman.

Shri S. D. Vashist for the management.

AWARD (INTERIM)

By order No. ID/HSR/1-M-75/63416, dated 9th October, 1975, the Governor of Haryana, referred the following disputes between the management of M/s Dalmia Dadri Cement Limited, Charkhi Dadri and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the workers should be given designation/grades as shown in Annexure I ? If so, with what details ?

ANNEXURE I

Serial No.	Name	Designation/grade at present	Designation/grade demand-d
1	Shri Ram Singh	Packing Peon	Clerk
2	Shri Ishwar Singh	Clerk, Grade I	Clerk, Grade III
3	Shri Raj Kumar	Ditto	Ditto
4	Shri Kulwant Singh	Ditto	Time Keeper, Grade III
5	Shri Bhawani Singh	Clerk, Grade II	Clerk, Grade III
6	Shri Madan Lal	Clerk, Grade I	Ditto
7	Shri Ved Prakash	Ditto	Ditto
8	Shri Bhagat Singh	Sale Clerk-I	Senior Sale Clerk, Grade IV
9	Shri Gorkha	Cable Jointer, Grade C	Cable Jointer, Grade A
10	Shri Kishan Chand	Assistant Welder, Grade 'C'	Winder, Grade 'A'
11	Shri Jagdish	..	Water-Supply Attendant
12	Shri Mange Ram		Ditto
13	Shri Sobha Ram	Fitter, Grade 'C'	Fitter, Grade 'B'

On receipt of the reference, notices were issued to the parties. The parties put in their pleadings. Issues were framed today, i. e., 18th April, 1977. Thereafter the file was taken up on request of the parties, as the parties reached a settlement in respect of one Shri Ram Singh named in annexure I of the order of reference. The statement of the parties have been recoded. As the settlement is a partial one effecting only one workman out of several workmen given in the said annexure I, but settlement has been arrived at in respect of this item, hence it is proper to give an interim partial award in this respect in the light of the settlement arrived at between the parties.

The parties stated that as far as the above said Shri Ram Singh is concerned, there is no issue between them as settlement has been arrived at. I, therefore, give my award as follows:—

That Shri Ram Singh at present Packing Peon in grade 'F' shall be promoted to Peon-cum-Checker in Grade 'D' with effect from 19th April, 1977. He shall also be given some clerical work by the management but there shall be no extra wage for doing that work. The said Shri Ram Singh shall also not claim the wage of higher scale or the wage of a clerk for the period in the past if at all he has worked casually as clerk.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 18th April, 1977.

No. 420, dated 28th April, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 28th April, 1977.